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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,452	03/07/2002	John P. Ruckart	010781	8750

7590 07/31/2006

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EXAMINER

HUANG, WEN WU

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/092,452	RUCKART, JOHN P.	
	Examiner	Art Unit	
	Wen W. Huang	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31-38 and 42-47 is/are allowed.
- 6) ☒ Claim(s) 39 and 41 is/are rejected.
- 7) ☒ Claim(s) 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-30 are cancelled.

Claims 31-47 are pending.

Claim Objections

1. Claims 33 and 45 are objected to because of the following informalities:

Regarding claim 33, "Newmcdal" is considered a typographical error.

Regarding claim 45, the mobile communication device of claim 34 is considered as the mobile communication device of 44 in order to be consistent with the instant application.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 39 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen (US. 6,202,050 B1).

Regarding **claim 39**, Chen teaches a mobile device, comprising:

- a microprocessor operably supported by a housing (see Chen, fig. 2B, component 68);
- a mobile communication device operably supported by said housing (see Chen, fig. 2B) comprising:
 - microprocessor support circuitry configured to communicate with said microprocessor (see Chen, fig. 2B, components 69 and 70);
 - an interface controller operably connected to said microprocessor support circuitry (see Chen, fig. 2A); and
 - a first microphone operably connected to said microprocessor, said first microphone configured to facilitate audio communication (see Chen, fig. 7, component 662); and
- a self-contained audio recorder operably supported by said housing (see Chen, fig. 7, component 41), comprising:
 - an input device configured to communicate with said microprocessor (see Chen, fig. 2B, four push buttons connected to component 68; col. 1, line 30);
 - record and playback circuitry coupled to said microprocessor (see Chen, fig. 7, component 41) for recording a signal on a recording medium (see Chen, fig. 7, component 413);
 - a second microphone configured to communicate with said microprocessor via said record and playback circuitry, wherein said second

microphone is different than said first microphone (see Chen, fig. 7, component 661); and

a first speaker configured to communicate with said microprocessor through said record and playback circuitry (see Chen, fig. 2C, component 73).

Regarding **claim 41**, Chen also teaches the mobile communication device of claim 39, wherein said mobile communications device includes at least one of the following: a mobile telephone, a mobile pager, and a Personal Digital Assistant (PDA) (see Chen, col. 1, lines 8-10).

Allowable Subject Matter

Claims 31-38 and 42-47 allowed.

The indicated allowability of claims 39 and 41 is withdrawn in view of the newly discovered reference(s) to Chen (US. 6,202,050 B1). Rejections based on the newly cited reference(s) follow.

Claim 40 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

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Regarding claims 37 and 38, the prior art of record fails to show that comprising a second speaker and a second microphone coupled to the mobile telephone, wherein the first speaker and the first microphone are different than the second speaker and the second microphone.

Regarding claim 40, the prior art of record fails to show that comprising a second speaker different than the first speaker.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen W. Huang whose telephone number is (571) 272-7852. The examiner can normally be reached on 10am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

wwh

WH
7/24/06

Quochien B. Vuong 7/24/06
QUOCHIEN B. VUONG
PRIMARY EXAMINER